

§ 220.8a

7 CFR Ch. II (1-1-00 Edition)

(j) *Additional foods.* Additional foods may be served with breakfasts as desired to participating children over 1 year of age.

(k) *Choice.* To provide variety and to encourage consumption and participation, schools should, whenever possible, provide a selection of menu items and foods from which children may make choices. When a school offers a selection of more than one type of breakfast or when it offers a variety of menu items and foods and milk for choice as a reimbursable breakfast, the school shall offer all children the same selection regardless of whether the children are eligible for free or reduced price breakfasts or pay the school food authority designated full price. The school may establish different unit prices for each type of breakfast offered provided that the benefits made available to children eligible for free or reduced price breakfasts are not affected.

(l) *Nutrition disclosure.* School food authorities are encouraged to make information available indicating efforts to meet the nutrition standards in paragraph (a) of this section.

(m) *Implementation of nutrition standards.* School food authorities shall comply with the *1990 Dietary Guidelines for Americans* as provided in paragraph (a) of this section no later than School Year 1996-97 except that State agencies may grant waivers to postpone implementation until no later than School

Year 1998-99. Such waivers shall be granted by the State agency using guidance provided by the Secretary.

[60 FR 31217, June 13, 1995, 60 FR 57147, Nov. 14, 1995, as amended at 62 FR 10190, Mar. 6, 1997; 64 FR 61774, Nov. 15, 1999]

§ 220.8a Breakfast components and quantities for the meal pattern.

(a)(1) *Food components*—Except as otherwise provided in this section and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain, at a minimum, the following food components in the quantities specified in the table in paragraph (a)(2) of this section:

(i) A serving of fluid milk served as a beverage or on cereal or used in part for each purpose;

(ii) A serving of fruit or vegetable or both, or full-strength fruit or vegetable juice; and

(iii) Two servings from one of the following components or one serving from each:

(A) Bread/Bread alternate

(B) Meat/Meat alternate

(2) *Minimum required breakfast quantities.* Except as otherwise provided in this section and in any appendix to this part, a breakfast eligible for Federal cash reimbursement shall contain at least the per breakfast minimum quantities of each item for the age and grade levels specified in the following table:

SCHOOL BREAKFAST PATTERN

[Required minimum serving sizes]

Food components/items	Ages 1 and 2	Ages 3, 4, and 5	Grades K-12
Milk (Fluid): (As a beverage, on cereal, or both)	½ cup	¾ cup	½ pint.
JUICE/FRUIT/VEGETABLE: ¹			
Fruit and/or vegetable; or Full-strength: Fruit Juice or Vegetable Juice.	¼ cup	½ cup	½ cup.
Bread/Bread Alternates: ²			
—Bread (whole-grain or enriched)	½ slice	½ slice	1 slice.
—Biscuit, roll, muffin or equal serving of cornbread, etc. (whole-grain or enriched meal or flour.	½ serving	½ serving	1 serving.
—Cereal (whole-grain or enriched or fortified)	¼ cup or ½ oz ..	⅓ cup or ½ oz	¾ cup or 1 oz.

SCHOOL BREAKFAST PATTERN—Continued
 [Required minimum serving sizes]

Food components/items	Ages 1 and 2	Ages 3, 4, and 5	Grades K-12
Meat/Meat Alternates:			
—Meat/poultry, or fish	½ oz	½ oz	1 oz.
—Cheese	½ oz	½ oz	1 oz.
—Egg (large)	½	½	½.
—Peanut Butter of other nut or seed butters	1 Tbsp	1 Tbsp	2 Tbsp.
—Cooked dry beans and peas	2 Tbsp	2 Tbsp	4 Tbsp.
—Nuts and/or Seeds (as listed in program guidance) ³	½ oz	½ oz	1 oz.
—Yogurt, plain or flavored, unsweetened or sweetened	2 oz. or ¼ cup	2 oz. or ¼ cup	4 oz. or ½ cup.

¹ A citrus juice or fruit or a fruit or vegetable or juice that is a good source of vitamin C (See Menu Planning Guide for School Food Service—PA-1260) is recommended to be offered daily.
² See Food Buying Guide for Child Nutrition Programs, PA-1331 (1984) for serving sizes for breads and bread alternates.
³ No more than one ounce of nuts and/or seeds may be served in any one meal.

(3) *Offer Versus Serve.* Each school shall offer its students all four required food items as set forth under paragraph (a)(1) of this section. At the option of the school food authority, each school may allow students to refuse *one* food item from any component that the student does not intend to consume. The refused food item may be any of the four items offered to the student. A student's decision to accept all four food items or to decline one of the four food items shall not affect the charge for breakfast.

(b) *Infant meal pattern.* When infants from birth through 11 months of age participate in the Program, an infant breakfast shall be offered. Foods within the infant breakfast pattern shall be of texture and consistency appropriate for the particular age group being served, and shall be served to the infant during a span of time consistent with the infant's eating habits. For infants 4 through 7 months of age, solid foods are optional and should be introduced only when the infant is developmentally ready. Whenever possible, the school should consult with the infant's parent in making the decision to introduce solid foods. Solid foods should be introduced one at a time on a gradual basis with the intent of ensuring health and nutritional well-being. For infants 8 through 11 months of age, the total amount of food authorized in the meal patterns set forth below must be

provided in order to qualify for reimbursement. Additional foods may be served to infants 4 months of age and older with the intent of improving their overall nutrition. Breast milk, provided by the infant's mother, may be served in place of infant formula from birth through 11 months of age. Either breast milk or iron-fortified infant formula shall be served for the entire first year. For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered. In these situations, additional breast milk must be offered if the infant is still hungry. The infant breakfast pattern shall contain, as a minimum, each of the following components in the amounts indicated for the appropriate age groups:

(1) *Birth through 3 months.* 4 to 6 fluid ounces of breast milk or iron-fortified infant formula.

(2) *4 through 7 months.* 4 to 8 fluid ounces of breast milk or iron-fortified infant formula; and 0 to 3 tablespoons of iron-fortified dry infant cereal (optional).

(3) *8 through 11 months.* 6 to 8 fluid ounces of breast milk or iron-fortified infant formula; 2 to 4 tablespoons of iron-fortified dry infant cereal; and 1 to 4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both.

BREAKFAST PATTERN FOR INFANTS

	Birth through 3 months	4 through 7 months	8 through 11 months
Breakfast	4-6 fl.oz. formula ¹ or breast milk ^{2,3}	4-8 fl. oz. formula ¹ or breast milk ^{2,3} ; 0-3 Tbsp. Infant cereal ^{1,4}	6-8 fl. oz. formula ¹ or breast milk ^{2,3} ; and 2-4 Tbsp. Infant cereal ¹ ; and 1-4 Tbsp. Fruit and/or vegetable.

¹ Infant formula and dry infant cereal shall be iron-fortified.
² It is recommended that breast milk be served in place of formula from birth through 11 months.
³ For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.
⁴ A serving of this component shall be optional.

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(c) Additional foods may be served with breakfasts as desired to participating children over 1 year of age.

(d) If emergency conditions prevent a school normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve reimbursement for breakfast served without milk during the emergency period.

(e) FNS may approve variations in the food components of the breakfast on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic or physical needs.

(f) Schools shall make substitutions in foods listed in this section for students who are considered handicapped under 7 CFR part 15b and whose handicap restricts their diet. Schools may also make substitutions for nonhandicapped students who are unable to consume the regular breakfast because of medical or other special dietary needs. Substitutions shall be made on a case-by-case basis only when supported by a statement of the need for substitutions that includes recommended alternate foods, unless otherwise exempted by FNS. Such statement shall, in the case of a handicapped student, be signed by a physician or, in the case of a nonhandicapped student, by a recognized medical authority.

(g) The inability of a school to obtain a supply of milk on a continuing basis to meet the breakfast requirements in paragraphs (a) and (b) of this section shall not bar it from participation in the Program. In such cases the State agency, or FNSRO were applicable, may approve the service of breakfasts without milk: *Provided, however*, That an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of the breakfast patterns listed in paragraphs (a)(1) and (b)(3) of this section.

(h) For the period ending September 30, 1977, the Secretary, with the concurrence of officials of the Trust Territory of the Pacific Islands, shall establish a breakfast pattern or patterns which are consonant with local food consumption patterns and which, given

available food supplies and food service equipment and facilities, provide optimum nutrition consistent with sound dietary habits for participating children, for use in the Trust Territory in lieu of the breakfast patterns listed in paragraphs (a) and (b) of this section. The requirements for such patterns shall be attached to and made a part of the written agreement required under § 220.3 of this part.

(44 U.S.C. 3506)

[Amdt. 25, 41 FR 34759, Aug. 17, 1976, as amended by Amdt. 26, 41 FR 52057, Nov. 26, 1976; 47 FR 746, Jan. 7, 1982; 53 FR 25308, July 6, 1988, 53 FR 48632; Amdt. 56, 54 FR 2990, Jan. 23, 1989; Amdt. 57, 54 FR 13047, Mar. 30, 1989, 54 FR 13605, Apr. 4, 1989. Redesignated at 60 FR 31217, June 13, 1995; amended at 60 FR 31222, June 13, 1995; 62 FR 10191, Mar. 6, 1997; 64 FR 61775, Nov. 15, 1999]

§ 220.9 Reimbursement payments.

(a) State agencies, or FNSRO's where applicable, shall make reimbursement payments to schools only in connection with breakfasts meeting the requirements of § 220.8 or § 220.8a, whichever is applicable, and reported in accordance with § 220.11(b) of this part. School Food Authorities shall plan for and prepare breakfasts on the basis of participation trends, with the objective of providing one breakfast per child per day. Production and participation records shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of breakfasts needed and to reduce the resultant waste, any excess breakfasts that are prepared may be served to eligible children and may be claimed for reimbursement unless the State agency, or FNSRO where applicable, determines that the School Food Authority has failed to plan and prepare breakfasts with the objective of providing one breakfast per child per day. In no event shall the School Food Authority claim reimbursement for free and reduced price breakfasts in excess of the number of children approved for free and reduced price meals.

(b) The rates of reimbursement for breakfasts served to eligible children in schools not in severe need are the applicable national average payment